Amendments to the Claims

1.   (currently amended) A network device, comprising:

an input port to receive input data, wherein the input data comprises both real-time data and non real-time data;

a transmission port to transmit the input data at a transmission rate, wherein the transmission rate is a variable between a committed information rate and an excess information rate that is higher than the committed information rate;

a detector to detect real-time input data;

a controller to set a maximum transmission rate for the input data including the non real-time data equal to a first traffic rate the committed information rate when the detector detects real-time input data.

2.   (original) The network device of claim 1, wherein the network device includes a timer to track occurrences of real-time input data.

3.   (currently amended) The network device of claim 2, wherein the controller increases the traffic maximum transmission rate above the first traffic rate committed information rate when the timer expires.

4.   (canceled)

5.   (original) The network device of claim 1, wherein the real-time input data is voice data.

6.   (original) The network device of claim 1, wherein the real-time input data is video data.

7.   (original) The network device of claim 1, wherein the detector detects a characteristic of the input data to identify the input data as real-time input data.

8.   (original) The network device of claim 1, wherein the detector detects real-time input data by determining a source address.

9.	(original) The network device of claim 1, wherein the detector detects real-time input data by determining a source port.

10.	(currently amended) A network device, comprising:

	means for detecting real-time ~~traffic~~ data; and

	means for reducing a maximum transmission rate to a ~~first traffic rate~~ <u>committed information rate for both real-time data and non real-time data</u> in response to the real-time data.

11.	(currently amended) The network device of claim 10, wherein the network device further comprises a means for detecting a cessation of real-time ~~traffic~~ data and a means for allowing the maximum transmission rate to exceed the ~~first traffic rate~~ <u>committed information rate</u>.

12.	(original) The network device of claim 10, wherein the means for detecting further comprises a detector module.

13.	(original) The network device of claim 10, wherein the means for reducing a maximum transmission rate further comprises a controller.

14.	(original) The network device of claim 10, wherein the means for detecting and the means for reducing a maximum transmission rate are included in one component.

15.	(currently amended) A method, comprising:

	detecting real-time ~~traffic~~ data in a network device; and

	reducing a maximum transmission rate to a ~~first traffic rate~~ <u>committed information rate for both real-time data and non real-time data</u> in response to the real-time ~~traffic~~ data.

16.	(currently amended) The method of claim 15, wherein the method further comprises detecting a cessation of real-time ~~traffic~~ <u>data</u> and allowing the maximum transmission rate to exceed the ~~first traffic rate~~ <u>committed information rate</u>.

17.   (currently amended) The method of claim 15, wherein detecting a cessation of real-time ~~traffic~~ data further comprises monitoring a timer for expiration, wherein the timer is reset upon each occurrence of real-time data.

18.   (currently amended) The method of claim 15, wherein detecting real-time ~~traffic~~ data further comprises examining data as it passes through a network device.

19.   (original) The method of claim 18, wherein the data further comprises packets.

20.   (currently amended) The method of claim 15, wherein detecting real-time ~~traffic~~ data further comprises monitoring a port electrically coupled to a source of real-time data.

21.   (currently amended) The method of claim 15, wherein detecting real-time ~~traffic~~ data further comprises reception of a resource request.

22.   (currently amended) An article containing ~~machine~~ computer readable code that, when executed, causes the ~~machine~~ computer to:

    detect real-time ~~traffic~~ data; and

    reduce a maximum transmission rate to a ~~first traffic rate~~ committed information rate for both real-time data and non real-time data in response to the real-time ~~traffic~~ data.

23.   (currently amended) The article of claim 22, wherein the code further comprises code that, when executed, causes the ~~machine~~ computer to:

    detect a cessation of the real-time ~~traffic~~ data; and

    allow the maximum transmission rate to exceed the ~~first traffic rate~~ committed information rate.

24.   (currently amended) The article of claim 22, wherein the code, when executed, causing the ~~machine~~ computer to detect a cessation of real-time ~~traffic~~ data further causes the ~~machine~~

computer to monitor a time for expiration, wherein the time is reset upon each occurrence of real-time data.

25.   (currently amended) A method, the method comprising:

monitoring a port electrically coupled to a real-time source for data from the source; and

reducing a maximum transmission rate to a ~~first traffic rate~~ <u>committed information rate</u> <u>for both real-time data and non real-time data</u> prior to real-time data being transmitted from the source.

26.   (original) The method of claim 25, wherein the real-time source is a voice source.

27.   (original) The method of claim 26, wherein the real-time source is a video source.

28.   (original) The method of claim 25, wherein reducing a maximum transmission rate further comprises:

receiving a signal from the real-time source that data from that source is going to be transmitted.

29.   (currently amended) The method of claim 25, wherein the method further comprises allowing the maximum transmission rate to exceed the <u>committed information rate</u> upon cessation of the real-time data being transmitted from the source.

30.   (original) The method of claim 29, wherein the method further comprises receiving a signal from a source indicating that the real-time source has ceased transmission of the real-time data.

31.   (currently amended) A method, ~~the method~~ comprising:

receiving a resource reservation request for real-time data to be transmitted along a path in a network; and

reducing a maximum transmission rate to a ~~first traffic rate~~ <u>committed information rate</u> <u>for both real-time data and non real-time data in response to the request</u>.

32.   (currently amended) The method of claim 31, wherein the method further comprises:

receiving a resource release upon the cessation of real-time data being transmitted along the path; and

allowing the maximum transmission rate to exceed the ~~first traffic rate~~ <u>committed</u> <u>information rate</u>.

33.   (currently amended) The method of claim 31, wherein the ~~first traffic rate~~ <u>committed</u> <u>information rate</u> is provided in the resource reservation request.

34.   (currently amended) The method of claim 31, wherein the ~~first traffic rate~~ <u>committed</u> <u>information rate</u> is predetermined.